IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.2015 OF 2005

Chandrahas Laxman Kanhere ..Petitioner

Vs.

Smt.Radhabai alias Sushila
Gopal Kanhere & Ors. ..Respondents

...

Mr.Anilkumar Patil for Petitioner
Mr.R.G.Ketkar for Respondent no.5

...

CORAM : B.H.MARLAPALLE,J.

DATE : MAY 4,2005

P.C.:

1. Heard Mr.Patil, the learned counsel for the Petitioner-non-applicant before the executing Court.

2. It appears that the executing Court was requested to vary the decree under execution on the basis of a Will made by the grand-mother. Both the parties claimed that the grand-mother has made separate Will. It was under these circumstances that non-applicant no.3 was called upon to start his evidence.

3. It would be in the interest of both the parties that the execution proceedings are concluded at the earliest possible and therefore, there is no need to cause any interference in the said proceedings at

this juncture. The challenge to the impugned orders need not be entertained.

4. The petition is rejected summarily.

[B.H.MARLAPALLE,J.]